



# NEWS RELEASE

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**FOR IMMEDIATE RELEASE**  
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## **Court Of Appeals Rejects Leonard Peltier's** **Latest Motion To Correct Sentence**

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**BISMARCK** - United States Attorney Drew H. Wrigley announced that on April 28, 2006, the Eighth Circuit Court of Appeals affirmed the District Court's denial of convicted murderer **Leonard Peltier's** Motion to Correct Sentence in the decades-old murder case.

**Peltier**, who was convicted in United States District Court in Fargo in 1977 of First Degree Murder for the 1975 killings of FBI Special Agents Jack Coler and Ronald Williams on the Pine Ridge Indian Reservation in South Dakota, filed the Motion to Correct Sentence in December of 2004. In the motion Peltier claimed that the Court did not have jurisdiction to convict and sentence him for the crimes. Following a hearing in Fargo in June of 2005, United States District Court Judge Ralph R. Erickson denied **Peltier's** motion as meritless. **Peltier** then appealed to the Eighth Circuit Court of Appeals.

During the February 13, 2006, oral argument before a panel Eighth Circuit Court of Appeals judges in St. Louis, the United States argued that **Peltier** could not properly file a motion to correct sentence to attack the underlying jurisdiction of the Court; that the District Court did have jurisdiction to convict and sentence **Peltier** for the murders of the agents; and that his consecutive life-imprisonment sentences were authorized by statute and proper.

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In the four-page opinion filed today, the Eighth Circuit rejected **Peltier's** arguments and affirmed the District Court's denial of his Motion to Correct Sentence. The three-Judge panel specifically held that **Peltier** could not properly use a motion to correct sentence to attack the Court's subject-matter jurisdiction or raise any alleged error occurring at trial and before sentencing; and, even if the motion could be used to raise the jurisdictional issue, Peltier's claim would fail on the merits because the District Court did have subject-matter jurisdiction under Federal law to try and convict **Peltier** for the murders of the FBI agents on an Indian Reservation while they were engaged in the performance of their official duties.

United States Attorney Wrigley said, "Once again, the Courts have affirmed **Peltier's** murder convictions and sentences. Since his trial in 1977 he has argued his case to the appellate courts on direct appeal, in several habeas corpus petitions for post-conviction relief, and in three separate motions to correct sentence. Leonard Peltier has had his 'day in court' many times over, and his convictions and sentences have been upheld again and again. This judgment should be viewed for what it is: final."

Assistant United States Attorney Scott J. Schneider handled the appeal with assistance from Special Assistant United States Attorney Lynn E. Crooks.

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